

## Message Text

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ACTION COA-01

INFO OCT-01 ARA-06 ISO-00 SCS-03 CIAE-00 DODE-00 PM-03

H-01 INR-07 L-02 NSAE-00 NSC-05 PA-01 RSC-01 PRS-01

SP-02 SS-15 EB-07 SCA-01 DLOS-03 CG-00 DOTE-00 INRE-00

USIE-00 NSCE-00 SSO-00 /060 W  
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O R 311945Z JAN 75

FM AMCONSUL GUAYAQUIL

TO SECSTATE WASHDC IMMEDIATE 3646

INFO AMEMBASSY QUITO IMMEDIATE

AMEMBASSY MEXICO

C O N F I D E N T I A L GUAYAQUIL 184

E. O. 11652: GDS

TAGS: PFOR, EFIS, PLOS, EC US

SUBJ: SEIZURE OF TUNA VESSELS

REF: DEWITT/WEBBER JAN. 31 TELECON

1. MEETING HELD AT CONSULATE GENERAL JANUARY 31 ATTENDED BY ARTHUR E. SOUZA, VICE PRESIDENT FOR OPERATIONS, ZAPATA OCEAN RESOURCES CORPORATION; BRANKO S. ZUNJIC, ASSISTANT OF CHAIRMAN OF THE BOARD, PERUANA DE PESCA, S.A. (STARKIST SUBSIDIARY); VICENTE YULEE, ZAPATA REP FOR SEIZURES; MASTERS OF CITY OF LISBON AND CALYPSO; AND CONSUL GENERAL.

2. SOUSA STATED THAT HE DID NOT HAVE AUTHORIZATION TO A) ORDER FOUR CAPTURED VESSELS MOVED FROM PRESENT MOORINGS IN SALINAS, OR B) COOPERATE IN ANY WAY WITH ECUADOREAN AUTHORITIES IN THEIR DECISION TO CONFISCATE CATCH SUCH AS ORDERING CATCH PREPARED FOR OFF-LOADING. SOUSA SAID THAT HE WOULD BE AUTHORIZED GIVE SUCH ORDERS ONLY WHEN A) TOLD TO DO SO BY CONSUL GENERAL (PREFERABLY IN WRITING) ACTING ON INSTRUCTIONS FROM DEPARTMENT OR B) TOLD TO DO SO BY MR. MJAMES JENNINGS JR., PRESIDENT, ZAPATA OCEAN RESOURCES CORPORATION (SAN DIEGO PHONE 714-299-6040; HOUSTON PHONE 713-222-CONFIDENTIAL

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9051). SOUSA SAID THAT IN ABSENCE OF SUCH AUTHORIZATION HE WOULD

COMPLY WITH ECUADOREAN INSTRUCTIONS TO MOVE BOATS OR PREPARE CATCH FOR UNLOADING ONLY ON THREAT OF FORCE AND TO AVOID VIOLENCE ON PART OF ECUADOREAN OFFICIALS.

3. SOUSA SAID NO FINAL DECISIONS HAD BEEN MADE REGARDING APPEAL OF DIRECTORATE OF FISHERIES DECISION TO A) FINE CITY OF LISBON AS REPEAT OFFENDER AND B) CONFISCATE CATCH. CONCERNING CITY OF LISBON FINE HE IS INCLINED TO APPEAL DECISION AND HAS WITH HIM AGREEMENT OF SALE DATED MAY 18, 1973, TO USE IN APPEAL PROCEEDINGS (CORPORATION RETAINED NAME BUT HAS DIFFERENT STOCKHOLDERS). SOUSA STATES THAT HE MUST ACT WITH EXTREME CARE CONCERNING CONFISCATION AND SAID THAT DEPARTMENT HAD INDICATED TO AUGUST FELANDO AND MR. KELLY, ZAPATA LAWYER, THAT THEY SHOULD NOT COOPERATE WITH GOE UNLESS FORCED. SOUSA SAID THAT HE REALIZED THAT NEGOTIATIONS ON THESE MATTERS WERE TAKING PLACE AT HIGHEST LEVELS AND THAT HE DID NOT WANT TO TAKE ACTION THAT WOULD ENDANGER SUCCESS THESE NEGOTIATIONS. (COMMENT: MY IMPRESSION IS THAT MUCH OF WHAT SOUSA SAID WAS FOR BENEFIT OF BOAT CAPTAINS PRESENT. CAPTAINS HAVE BEEN PUSHING MILITANT STANCE AND COMPANY MANAGEMENT WANTS TO APPEAR RESPONSIVE.)

4. ZUNJIC STATED HE HAD BEEN INFORMED UNOFFICIALLY THAT BOAT FINE FOR OCEAN-QUEEN WOULD BE 2,073,000 SUCRES (DOUBLE LICENSE COST FOR 691 NRT BOAT) AND OWNER FINE AS OCEAN QUEEN IS REPEAT OFFENDER, 8,292,000 SUCRES (EIGHT TIMES LICENSE COST FOR 691 NRT BOAT) FOR TOTAL FINE OF 10,365,000 SUCRES. ZUNJIC DOES NOT KNOW WHAT PENALTY, IF ANY, WILL BE APPLIED BECAUSE VESSEL IS LARGER THAN 600 NRT.

5. FOLLOWING REF TELECON I INFORMED SOUSA, YULEE, AND ZUNJIC THAT DEPARTMENT HAD NO OBJECTION TO FILING APPEALS AND THAT IT SEEMED TO ME THAT IT WOULD GOOD IDEA TO EXHAUST ALL COURSES OF LEGAL ACTION CONCERNING REPEAT OFFENDER FINE AND CONFISCATION OF THAT PORTION OF CATCH CAUGHT MORE THAN 200 MILES FROM ECUADOREAN COAST. I SUGGESTED THAT APPEAL BE MADE SOONEST TO EXPEDITE PROCESS EVEN THOUGH YULEE IS OF OPINION THAT DEADLINE FOR APPEALING REPEAT OFFENDER'S FINE FOR CITY OF LISBON OWNER IS MIDNIGHT SATURDAY, FEBRUARY 1.

6. SOURCES IN QUITO HAVE INFORMED EMBASSY THAT TRIBUNAL WHICH WILL REVIEW APPEAL HAS NO SPECIFIC TIME LIMIT WITHIN WHICH IT MUST HAND DOWN FINAL DECISION. HOWEVER, WE BELIEVE GOE WILL HANDLE MATTER AS CONFIDENTIAL

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QUICKLY AS POSSIBLE.

7 WE HOPE BOAT OWNERS IN US WILL MAKE DECISIONS RAPIDLY AND INSTRUCT THEIR REPS IN ECUADOR TO COMPLY WITH PROVISIONS OF LAW WHEN FINAL DECISIONS HAVE BEEN RENDERED.  
DEWITT

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## Message Attributes

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**Channel Indicators:** n/a  
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